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full of difficulties, for the several Codes differ to some extent among themselves, and their provisions have in many instances met with unsympathetic treatment at the hands of judges whose common law training caused them to look with suspicion upon a system so different from that which it has supplanted. Indeed, it should be said here that the favorable comments in this review are directed to the work in hand and in particular to this edition of it; the writer finds it impossible fully to agree with Mr. POMEROY in his expressions of unreserved commendation of the Code and the Civil Action.

A careful examination has been made of the matter contained in brackets—the distinctive features of this edition—and it appears that in all cases the work has been done with care and judgment. The addition to the notes on “Actions Arising in Special Cases” and on “Counter Claim” are especially valuable. The typography, paper and general make-up of the book are excellent.

G. W. P.

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A TREATISE ON THE LAW OF MUNICIPAL CORPORATIONS IN THE UNITED STATES. By CHRISTOPHER G. TIEDEMAN. New York and Albany: Banks & Bros. 1894.

The rapid succession of Treatises on Municipal Corporations since the fourth edition of DILLON's work in 1890, is but one of the many indications of that rapidly approaching period when every one of the many phases of our municipal problems shall have been subjected to the close scrutiny of scientific analysis. It is only within the last decade that we have commenced to fully realize the influence which our courts have exercised in shaping our conception of the municipality, and in determining its form of government. When Judge DILLON's “Commentaries on the Law of Municipal Corporations” first appeared in 1872, this field of legal research was still uncultivated. Nevertheless, the work proved itself a masterpiece in its way; mirroring with remarkable accuracy the position occupied by our courts towards the cities of the Union. When this first edition appeared we

were still a country of small cities. During the twenty years which mark the interval between the first and the fourth, we have been rapidly developing into a people dependent upon the efficiency of our city governments for a mass of necessities and comforts. The more recent works treating of this subject show, with almost startling clearness, the lack of recognition, on the part of the courts, of this change in our social conditions, together with the changes in the problems of our municipalities, which this social revolution or evolution has engendered. One of the most valuable portions of DILLON'S work was the clear recognition of these changes, especially in the earlier portions of the first volume. Professor TIEDEMAN'S book lacks to a very great extent this most important element. His work loses, therefore, both in interest and value to one interested beyond purely legal aspects of these questions. It is true that the author in his preface distinctly states that he has endeavored to include everything material and exclude everything immaterial "to the clear comprehension of the general principles and rules of law bearing upon or involved in the subject." But, even regarded as a text book, intended exclusively for the legal mind, there can be no doubt that the careful consideration of the relation between judicial decisions, and the problems actually confronting our great cities—and we lay special emphasis on the problems of the *great cities*—constitutes one of the most important sections in any work on municipal corporations.

Mr. TIEDEMAN divides his work into nineteen chapters dealing with the whole range of municipal activity. The cases cited are exceedingly numerous, in fact, at times out of proportion to the importance of the problems involved. The three most important chapters are those which treat of the legislative control over municipal corporations, municipal securities, and municipal taxation and local assessments. In all three, considering the vastness of the problems involved, the author has given us an extremely succinct and able statement of the present condition of the law. When we stop to consider that in 1890 the total municipal indebtedness (exclusive of county and school district) in the United States was

nearly \$725,000,000, whereas the total National debt amounted to not more than \$900,000,000, and the total State debt to less than \$229,000,000, the growing importance of this branch of the law is readily appreciated. When we reach our great cities the importance of the questions of local finance—taxation, assessments and indebtedness—so far outweighs all questions of State finance as to make the former the problem uppermost in the taxpayer. As regards the chapter on the legislative control over municipal corporations the author has not been quite so happy in his methods of treatment nor in the arrangement of cases.

One point, however, is brought out with great clearness, viz., the clear recognition of those functions which are purely local in their nature, and over which the municipality, as such, ought to have complete control. Although the traditions of our courts give but little encouragement to this principle, the trend of later decisions is unmistakably in its favor. The value of this chapter in the present work would have been greatly enhanced had the author considered more in detail the instructive history of the attitude of the courts towards municipal public works. Nothing brings out more clearly than this line of decisions the American theory of municipal government. The cases cited show that all the material was at hand, which makes the omission doubly regrettable.

The work, on the whole, will undoubtedly serve the purpose for which it is intended. That it will supplant or even offer anything beyond DILLON'S "Commentary" is more than doubtful. We have still to await the work which shall treat, not only of the present condition of the law of municipal corporations, but also its relation to the complicated economic and political problems of finance and administration which are at present confronting our great cities. L. S. ROWE.

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PROCEEDINGS OF THE NATIONAL CONFERENCE FOR GOOD CITY  
GOVERNMENT, held at Philadelphia, January 25 and 26,